

said door lock subassembly is mounted in said door trim panel for displacement relative to said door trim panel from a transport position to an assembly position for attachment to the door inner liner, at least a portion of said door lock subassembly projecting beyond said door trim panel when said door lock subassembly is in the assembly position.

31. (Twice Amended) A door module for assembly to a door inner liner of a door of an automotive vehicle, said door module comprising:

a door trim panel that will face the interior of the vehicle; and

at least one subassembly carried by said door trim panel prior to assembly of said door module to the door inner liner, wherein

said door trim panel includes a main part and a hinged part, said main part having an opening to permit access for securing said at least one subassembly to the door inner liner and said hinged part being pivotably connected to said main part for pivotable movement into a position covering the opening.

Please add the following new claim:

--37. The door module of claim 1 further comprising means coupled to said door lock subassembly for moving said door lock subassembly to the assembly position.--

REMARKS

The Examiner's action dated April 22, 2002, has been received, and its contents carefully noted.

The allowance of claim 24-27 is noted with appreciation.

In order to advance examination, claims 21, 22, and 33-36 have been cancelled and claims 30 and 31 have been amended to more clearly define the contribution of the invention over the prior art. A new dependent claim 37 has been added to present a limitation that was deleted from claim 30.

In response to the rejection of claim 30 under 35 USC 112, the recitation of "means for displacing" has been deleted from claim 30. However, added claim 37 now provides a positive recitation of means for moving the door lock assembly. For reasons to be presented below, it is submitted that claim 30, as amended, clearly distinguishes patentably over the prior art and that the recitation now included in added claim 37 is supported by the specification, as originally filed.

Claim 30 is directed to a door module for assembly to an inner liner of a door, this module having a door lock subassembly carried by a door trim panel. According to a salient feature of the present invention, the door lock subassembly is mounted in the trim panel for displacement relative to the trim panel from a transport position to an assembly position for attachment to the door inner liner. This feature allows the door lock subassembly to be mounted on the door trim panel prior to installation of the door module onto an inner door liner. Specification, page 2, lines 26-32. Since the door lock subassembly can be placed in a transport position, it does not interfere with placement of the door module in position on the door inner liner.

Claim 30 now recites that the door lock subassembly is mounted on the door trim panel for displacement relative to

the door trim panel from a transport position to an assembly position. This is illustrated in figures 3 and 4 of the application drawing, which are described in the specification between page 10, line 31 and page 11, line 4. According to that description, the door lock 12 is carried by a base 2 that is fastened to the trim panel. The initial position of door lock 12 is shown in figure 4, while its extracted, or assembly, position is shown in figure 3.

Claim 30 stands rejected as anticipated by Emerling. The explanation of the rejection states that this reference teaches an inner door panel having a door lock subassembly that is mounted to be movable relative to the door trim panel. The explanation of the rejection does not identify any figure number or list any reference numerals, other than to mention a metal reinforcing plate 16. Since claims 21, 22 and 33-36 have now been cancelled and claim 30 does not mention a metal reinforcing plate, it is assumed that reference to that element is not relevant the rejection of claim 30.

Since the reference numeral 16 appears in figure 2 of the reference drawing, it will be assumed that the structure illustrated in that figure is being relied upon to support the rejection of claim 30. In the reference, the numeral 16 identifies a lock and catch assembly and it must be assumed that it this assembly that the Examiner considers to correspond to the door lock subassembly defined in claim 30. Based on this assumption, it clear that the applied reference does not provide a disclosure that is at all relevant to the subject matter defined in claim 30. Figures 1, 2, 18 and 19 of the reference are the only figures containing the reference numeral 16, although it appears that the housing for the lock and catch assembly is also shown in figures 4, 6 (element 202) and 7. What is clear from all of the illustrations, as well

as from the disclosure provided in this reference, is that the catch and lock assembly 16 is installed in a fixed position on door panel 12. Therefore, when this panel is mounted to the door outer panel, special provision must be made for installing the latch housing. Reference is made, in this connection, to the disclosure at column 6, lines 18-42 of the reference.

Thus, contrary to the assertion presented in the explanation of the rejection of claim 30, the applied reference does not disclose a door lock subassembly that is mounted in a door trim panel for displacement relative to the door trim panel from a transport position to an assembly position. It is therefore submitted that the rejection of claim 1 under 35 USC 102(b) is not supported by the applied reference and it is therefore asked that this rejection be reconsidered and withdrawn.

The rejection of claim 31 is traversed on the grounds that the door module defined in claim 31 is not disclosed in or suggested by the applied reference. Claim 31 is directed to a door module that includes a trim panel having a main part and a hinged part. The main part has an opening to permit access for securing at least one subassembly to the door inner liner and the hinged part is pivotably connected to the main part for pivotable movement into a position covering the opening.

Figure 1 of the applied reference illustrates a door having a trim panel provided with an opening for accommodating an element 111, which identified at column 9, line 67 of the reference as a bezel. There is nothing in the disclosure of this reference to suggest forming element 111 as hinged part that is pivotably connected to the main part of the trim panel. It has long been recognized that since all limitations

of a claim must be considered in determining the claimed subject matter, and it is error to ignore specific limitations distinguishing over the reference, it is necessary that the modification of a prior art device to meet the claim be obvious from teachings in secondary references when taken in conjunction with the level of skill of those having ordinary skill in the art. *Ex parte Murphy et al*, 217 USPQ 479, 481 (Bd. of App., 1982). Clearly, in the present case, the rejection is not based on any secondary reference disclosing a hinged connection or providing evidence that it would be obvious to provide such a connection.

Accordingly, it is submitted that the present rejections of claim 31 cannot properly be maintained and it is requested that this rejection be considered and withdrawn.

Finally, submitted herewith for the Examiner's consideration is a new claim 37, which depends from claim 30 and adds a recitation of means for moving the door lock subassembly to the assembly position. In response to the Examiner's query as to the support in the present specification for this recitation, attention is drawn to the disclosure at page 10, line 31 to page 11, line 4 of the specification, as filed. It is there disclosed, with reference to figures 3 and 4 of the application drawing, that lock 12 is connected by a cable 11 to the interior opening handle, the cable being operable to enable lock 12 to be extracted, as shown in figure 3, for its final fixing to the door inner liner. It is submitted that, based on this disclosure, it is clear that cable 11 constitutes the "means" recited in claim 37.

In view of the foregoing, it is requested that the rejections of record be reconsidered and withdrawn, that

In re of Appln. No. 09/581,946

claims 30, 31 and 37 be allow, along with allowed claims 24-29, and that the application be found in allowable condition.

If the above amendment should not now place the application in condition for allowance, the Examiner is invited to call undersigned counsel to resolve any remaining issues.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned **"Version with markings showing changes made."**

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By


Jay M. Finkelstein
Registration No. 21,082

JMF:lt

Telephone No.: (202) 628-5197

Facsimile No.: (202) 737-3528

G:\BN\O\Ocha\garcia martin\pto\amendment 18SEP.02.doc

Version with markings showing changes made

30. (Twice Amended) A door module for assembly to a door inner liner of a door of an automotive vehicle, said door module comprising:

a door trim panel that will face the interior of the vehicle; and

a door lock subassembly carried by said door trim panel prior to assembly of said door module to the door inner liner, wherein

~~said door module further comprises means connected to said door lock subassembly~~ is mounted in said door trim panel for displacing said door lock subassembly displacement enrelative to said door trim panel from a transport position to an assembly position for attachment to the door inner liner, at least a portion of said door lock subassembly projecting beyond said door trim panel when said door lock subassembly is in the assembly position.

31. (Twice Amended) A door module for assembly to a door inner liner of a door of an automotive vehicle, said door module comprising:

a door trim panel that will face the interior of the vehicle; and

at least one subassembly carried by said door trim panel prior to assembly of said door module to the door inner liner, wherein

said door trim panel includes a main part and a hinged part, said main part having an opening to permit access for securing said at least one subassembly to the door inner liner and said hinged part being ~~pivotable~~ relatively pivotably connected to said main part for pivotable movement into a position covering the opening.